

Lambeth Children's Homes Redress Scheme Update As at 31 December 2023

Report summary

This report provides a summary update on the position of the Lambeth Children's Homes Redress Scheme (the Scheme) as at the 31 December 2023. The Scheme closed to new applications on 1 January 2022 with a final total of 2,240 applications having been made to the Scheme as at the closing date.

Although the Scheme is now closed to new applications existing applications continue to be processed with 94% of all the applications received now processed through to conclusion. A total of £99.1 million has been paid in redress compensation, both Harm's Way Payments (HWP) and Individual Redress Payments (IRP) directly to applicants.

Finance summary

The total Scheme expenditure to 31 December 2023 is c£144.1 million, comprising:

- £99.1 million paid in redress compensation directly to applicants (£15.9m HWP & £83.2m IRP),
- £15.8 million in respect of applicants' legal costs (paid to solicitors),
- £10.4 million on applicant expenses, instruction of medical experts, deputyship costs, and social records chronology,
- £2.4 million on counselling services & Pre-Scheme SAR's
- £7.9 million for the council's own legal costs in processing applications,
- £8.5 million on administrative & staffing costs.

The final estimated costs associated with all of the applications received to the Scheme (i.e. the expenditure to date and those estimated redress payments, legal and associated disbursement and administrative costs that have not yet been paid in respect of applications still to be processed) is expected to be within the range of £153m to £175m. This is based on an actuarial view and is dependent upon the final assessment and settlement of the remaining outstanding cases.

1. CONTEXT

- 1.1 This report provides a status update on the Scheme as at the 31 December 2023 with the figures contained within this report representing the position as at this date.
- 1.2 The Scheme closed to new applications on 1 January 2022 having been open for a period of four years from 2 January 2018. The Scheme provides survivors of physical and/or sexual and/or psychological abuse (whilst resident in a Lambeth Children’s Home) with an alternative dispute mechanism for obtaining compensation without having to go through the Courts. The Scheme covers all Children’s Homes which were run by Lambeth Council until the Homes were closed in the 1980’s and 90s.
- 1.3 In addition to financial compensation, eligible applicants to the Scheme are also entitled to receive a formal letter of apology from the council, a meeting with a senior officer, counselling support, access to advisory services and the provision of personalised counselling support and therapy.
- 1.4 Copies of all previous Scheme updates are available here: [Redress Scheme Updates](#)

2. PERFORMANCE

Applications received

- 2.1 When the Scheme closed on 1 January 2022, a total of 2,240 applications had been received. A total of 479 new applications were received during 2021 (January to December) with 223 of these (47%) being received in the final month of December (including those applications received on the last day of 1 January 2022).
- 2.2 The final number of applications received at 2,240 was slightly higher than the estimated number of c2,100 which was forecast after the first year of the Scheme following actuarial considerations based on the available data at that time.
- 2.3 The following chart shows the numbers of applications received each month over the duration of the Scheme:

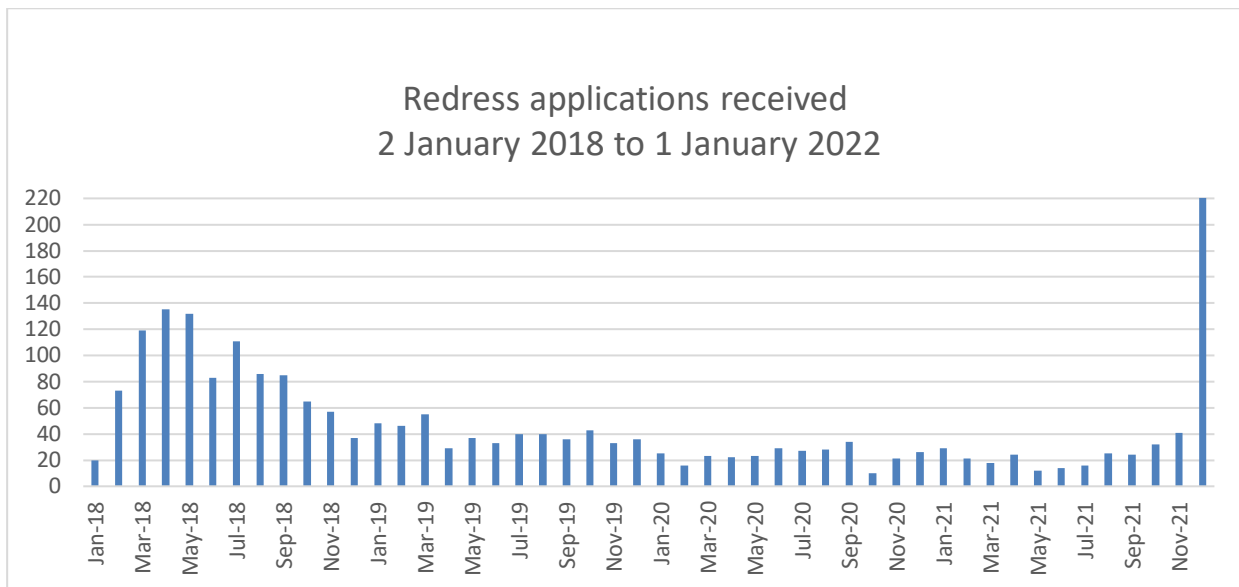


Table 1 – redress applications received.

2.4 A breakdown of the application types received is shown in the following table:

| Application type | No. of applications received | |
|--|------------------------------|---------------|
| | Total | % |
| Both Harm's Way and Individual Redress | 1,780 | 79.5% |
| Harm's Way Only | 329 | 14.7% |
| Individual Redress Only* | 131 | 5.8% |
| Total | 2,240 | 100.0% |

Table 2 – application numbers

*Individual Redress only applications relate to applicants who are either deceased or were a visitor to a Lambeth Children's Home.

2.5 All the applications noted in the table above were received prior to the closure date of 1 January 2022 however subsequent changes to figures may occur due to change of application type after receipt, or other administrative changes.

2.6 The majority of applicants (84%) have appointed a legal representative to deal with their application through the Scheme on their behalf whilst around one in six applicants (16%) have chosen to handle their own application without any representation.

Application processing

2.7 Applications are processed in two stages, determination of eligibility and calculation of the Harm's Way payment to eligible applicants (stage 1) and then determining the value of any Individual Redress payment due (stage 2).

2.8 Stage 1 – Verification of application and Harm's Way Payment

The average processing time from the receipt of an application through to the point that the Harm's Way Payment is paid to the applicant is just under two months. The average processing time has remained consistent throughout the operation of the Scheme. Processing times for all completed stage 1 applications are shown in the table below:

| Stage 1 Verification and Harm's Way Payment processing (Based on applications where a HWP has been paid) | | | | | | | |
|---|----------|------------|------------|------------|------------|------------|-----------|
| Processing time | <1 month | 1-2 months | 2-3 months | 3-4 months | 4-5 months | 5-6 months | >6 months |
| % of applications | 34% | 30% | 16% | 7% | 4% | 2% | 7% |
| No. of applications | 661 | 571 | 316 | 127 | 73 | 32 | 141 |

Table 3 – Stage 1 processing times

2.9 Over 80% of stage 1 applications have been processed in three months or less. Where information is missing from an application or further information is required to enable verification the processing time has taken slightly longer. In some cases, particularly for earlier placements, it is necessary for records to be obtained from archives held elsewhere which naturally takes a little longer. Only 7% of Harm's Way applications have taken over six months to complete.

2.10 Stage 2 – Individual Redress Payment

The current average processing time from the end of stage 1 (Harm’s Way payment) to the Individual Redress payment being made to an applicant is 17 months. Processing times for completed stage 2 applications within the Scheme are shown in the table below:

| Stage 2 Individual Redress processing (Based on concluded applications within Scheme) | | | | | | |
|---|--------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| Processing time | 1-12 months | 12-18 months | 18-24 months | 24-30 months | 30-36 months | >36 months |
| % of applications | 33% | 36% | 20% | 5% | 3% | 3% |
| No. of applications | 405 | 439 | 246 | 68 | 37 | 37 |

Table 4 – Stage 2 processing times

2.11 69% of stage 2 applications within the Scheme have been processed in 18 months or less with 89% of applications concluded within 2 years. The processing of Individual Redress applications is more complex than for Harm’s Way and requires a more detailed assessment of records and input from medical experts which takes longer. Currently around 3% of concluded Individual Redress applications have taken over three years to complete.

2.12 The overall average processing time for Scheme applications from receipt of an application through to final payment of the Individual Redress payment is 19 months (2 months for HWP and 17 months for IRP).

2.13 Stage 2 – Individual Redress Payments over £125,000

The Scheme provides compensation up to a maximum of £125,000, however some complex cases where special damages for aspects such as impairment of earning capacity may result in higher awards of compensation, require a more detailed analysis of expert information. These cases over the maximum are handled in the spirit of the Scheme but naturally take much longer to process. Processing times for Individual Redress payments over the Scheme limit are shown in the table below:

| Stage 2 Individual Redress over £125,000 processing (Based on concluded applications over Scheme limit) | | | | | | |
|---|--------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| Processing time | 1-12 months | 12-18 months | 18-24 months | 24-30 months | 30-36 months | >36 months |
| % of applications | 21% | 48% | 16% | 6% | 7% | 2% |
| No. of applications | 20 | 46 | 15 | 6 | 7 | 2 |

Table 5 – Stage 2 over limit processing times

2.14 The current average processing time for stage 2 applications exceeding the Scheme limit is just under 18 months. The overall processing time of these applications from receipt to final payment of the Individual Redress payment is 20 months (2 months for HWP and 18 months for IRP).

Application status

2.15 As at 31 December 2023 the processing status of all applications received is shown in the table below:

| Application Status | Total No. of applications | Applications as a % |
|--|---------------------------|---------------------|
| Open applications (Final compensation not yet paid) | | |
| Stage 1 Verification & Harm's Way Payment (Applications still being determined) | 0 | 0% |
| Stage 2 Individual Redress payment (IRP still being determined or awaiting acceptance) | 130 | 5.8% |
| Over Scheme limit applications Open over £125k applications (Applications still being determined/awaiting acceptance) | 8 | 0.4% |
| Subtotal open applications (A) | 138 | 6.2% |
| Open applications (Final compensation paid) | | |
| Stage 3 All HWP and final IRP paid to applicants (Finalising remaining legal costs only) | 35 | 1.5% |
| Subtotal open applications pending costs (B) | 35 | 1.5% |
| Closed applications | | |
| Closed – Paid HWP/IRP finalised and closed (All redress and legal costs paid) | 1,778 | 79.4% |
| Over Scheme limit applications - Paid Closed over £125k applications (All redress & costs paid) | 120 | 5.4% |
| Closed – No payment No HWP or IRP paid (Withdrawn & applications not accepted into Scheme) | 169 | 7.5% |
| Subtotal closed applications (C) | 2,067 | 92.3% |
| Totals (A+B+C) | 2,240 | 100.0% |

Table 6 – Application Status

2.16 Almost 94% of applications (B+C) are where applicants have been paid all their compensation. The remaining 6% of applications remain open and are continuing to be processed through to conclusion.

2.17 There have been 169 applications (7.5%) that have not been accepted into the Scheme due to not meeting the relevant Scheme criteria. The reason for applications not being accepted is shown in the table below:

| Reason redress application not accepted into Scheme | Total number of applications |
|--|-------------------------------------|
| Unable to verify applicant | 84 |
| Not placed in a Lambeth children's home | 66 |
| Threshold not met for HWP/IRP | 15 |
| Abuse occurred whilst in foster care* | 4 |
| Total | 169 |

Table 7 – Applications not accepted

*In circumstances which do not fall to be considered under the Scheme

2.18 In all cases where applicants have been notified that their application has not met the relevant criteria the applicant is reminded of their right to appeal the council's decision. Applicants are also reminded of their right to seek legal advice (if not already represented) and are assisted with signposting to other organisations that may be able to assist them in locating records that may assist their application.

Application status by representation

2.19 The current processing status of applications between applicants with legal representation and those applicants handling their own application (Applicants in Person) is shown in the table below:

| | No. Open | No. Closed | Total | % Closed |
|--------------------------------|-----------------|-------------------|--------------|-----------------|
| Applicants In person | 21 | 335 | 356 | 94% |
| Legally represented applicants | 152 | 1,732 | 1,884 | 92% |
| Total | 173 | 2,067 | 2,240 | |

Table 8 – Application status by representation

2.20 Over 92% of applications whether legally represented or those applicants representing themselves have now fully concluded (including all legal costs paid). There is little difference in the percentage status of closed applications between the two categories.

Periods of residency

2.21 The largest proportion of accepted applications to the Scheme (33%) relate to applicants where they first entered (were resident for the first time) a Lambeth children's home prior to 1 April 1965 (the date when Lambeth assumed responsibility for these children's homes from London County Council).

2.22 The following table details the years that applicants were first placed at a Lambeth children's home:

| Year of residency in a Lambeth Children's Home (Based on date applicants were resident for the first time) | | | | | | |
|--|-----------------------|---------------------|---------------|---------------|---------------|--------------|
| Period | Pre 01.04.1965 | Late 1960's* | 1970's | 1980's | 1990's | Total |
| Number of applications | 687 | 305 | 656 | 291 | 132 | 2,071 |
| Year of residency as a % | 33.2% | 14.7% | 31.7% | 14.0% | 6.4% | 100% |

Table 9 – Year of residency

*From 01.04.1965

Harm's Way Payments

2.23 As at the end of December 2023 a total of 1,921 Harm's Way payments have been made to applicants totalling £15.9 million. The breakdown of these payments is shown in the table below:

| Harm's Way payments | No. of verified payments | Total amount paid (£) | Harm's Way Payment as a % |
|--|--------------------------|-----------------------|---------------------------|
| £1,000 - less than 1 week | 34 | 34,000 | 0.2% |
| £2,500 - more than 1 week up to 3 months | 276 | 690,000 | 4.3% |
| £5,000 - between 3 and 6 months | 185 | 925,000 | 5.8% |
| £10,000 - more than 6 months | 1,426 | 14,260,000 | 89.7% |
| Total Harm's Way payments | 1,921 | 15,909,000 | 100.0% |

Table 10 – Harm's Way payments

2.24 Almost 90% of applicants making a Harm's Way application have received the maximum payment of £10,000 as they were resident in a Lambeth Children's home for more than six months. The Harm's Way Payment although paid separately is treated as an interim payment towards any further Individual Redress Payment that an applicant may go on to receive.

Individual Redress Payments

2.25 As at the end of December 2023 Individual Redress Payments totalling £83.2 million have been made (including interim & over Scheme limit payments). These payments are in addition to the total Harm's Way Payments. A breakdown of the Individual Redress Payments made is shown in the table below:

| Individual Redress payments | No. of verified payments | Total amount paid (£) |
|--|--------------------------|-----------------------|
| Applicant Rehabilitation / Therapy | 747 | 3,674,290 |
| IRP Uplift Payment | 446 | 2,205,550 |
| Interim Individual Redress Payment | 287 | 2,432,189 |
| Band 1 | 162 | 1,441,200 |
| Band 2 | 205 | 4,162,950 |
| Band 3 | 101 | 4,977,643 |
| Band 1 (Plus Band 4) | 23 | 405,500 |
| Band 2 (Plus Band 4) | 243 | 8,199,950 |
| Band 3 (Plus Band 4) | 610 | 39,710,676 |
| Total Individual Redress payments | 2,824 | 67,209,948 |
| Payments over £125k | 129 | 15,955,627 |
| Total IRP & over £125k | 2,953 | 83,165,575 |

Table 11 – Individual redress payments

2.26 Of the total paid in redress compensation and associated application legal costs to date c74% has gone directly to the applicants as shown in the table below:

| Payment type | Amount Paid (£) | Percentage % |
|---|--------------------|---------------|
| Paid to applicants | | |
| Harm's Way Payments | 15,909,000 | 11.9% |
| Individual Redress payments | 67,209,948 | 50.4% |
| Payments over £125k | 15,955,627 | 12.0% |
| Total Paid to applicants (A) | 99,074,575 | 74.3% |
| Legal & Disbursement costs | | |
| Applicant's Legal costs (paid to solicitors) | 15,835,352 | 11.9% |
| Council's Legal costs (for processing of IRP) | 7,932,870 | 6.0% |
| Disbursements for medical experts/reports, Social care records chronology | 10,437,649 | 7.8% |
| Total Legal & Disbursement costs (B) | 34,205,871 | 25.7% |
| Grand Total (A+B) | 133,280,446 | 100.0% |

Table 12 – Total Scheme payments (compensation & legal costs)

Scheme appeals

2.27 As at end of December 2023 a total of 131 appeals to the independent appeal panel have been received. The table below details the numbers of appeals that have been received in each category and the status of these:

| Appeal category | Number of Appeals | Percentage of Appeals | Appeals allowed (applicant successful) | Appeals dismissed (applicant unsuccessful) | Appeals withdrawn | Appeals pending |
|--------------------------------|-------------------|-----------------------|--|--|-------------------|-----------------|
| Eligibility | 35 | 27% | 4 | 21 | 9 | 1 |
| Level of Harm's Way Payment | 2 | 2% | 0 | 0 | 2 | 0 |
| Level of Redress Payment | 36 | 27% | 12 | 23 | 1 | 0 |
| Level of applicant Legal Costs | 58 | 44% | 1 | 41 | 16 | 0 |
| | | | | | | |
| Total number of appeals | 131 | 100% | 17 | 85 | 28 | 1 |

Table 13 – Appeals cases

Non-financial redress

2.28 The Scheme offers applicants the opportunity to access a number of non-financial redress benefits such as a letter of apology, a meeting with a senior representative of the council, access to a counselling service and access to specialist advice and help with issues including housing, welfare, benefits, further education and employment.

2.29 As at the end of December 2023 a total of 754 letters of apology have been requested, prepared, and sent to applicants.

2.30 A total of 64 applicants have requested and had a meeting with a senior representative of the council. Further meetings are being scheduled with those applicants that have requested them.

2.31 The table below details the numbers of referrals that have been made in respect of applicants that have requested access to the specialist advisory services:

| Specialist advisory service area | Number of applicant referrals |
|---|--------------------------------------|
| Housing | 195 |
| Further Education | 63 |
| Employment | 46 |
| Welfare & Benefits | 41 |
| Total referrals | 345 |

Table 14 – Advisory service referrals

3. FINANCE

3.1 The total cost incurred in operating the Scheme (including compensation over the Scheme limit and administrative costs) as at 31 December 2023 is c£144.1 million. These costs are cumulative running from the start of the Scheme. A breakdown of the expenditure is shown in the table below.

| Expenditure type | Expenditure amount (£) |
|---|-------------------------------|
| Harm's Way Payments | 15,909,000 |
| Individual Redress payments | 67,209,948 |
| Payments over £125k | 15,955,627 |
| Total Paid to applicants (A) | 99,074,575 |
| Applicant's Legal costs (paid to solicitors) | 15,835,352 |
| Council's Legal costs (for processing of IRP) | 7,932,870 |
| Disbursements (medical reports, Social care records chronology) | 10,437,649 |
| Total Legal & Disbursement costs (B) | 34,205,871 |
| Grand Total (A+B) | 133,280,446 |
| Scheme administrative expenditure | |
| Independent Appeal Panel costs | 329,312 |
| Scheme administration advice & support (Legal, audit & advice) | 1,271,371 |
| Pre-Scheme advice & support (Legal, audit & advice) | 296,018 |
| Pre-Scheme Survivors association legal costs | 243,000 |
| Staffing costs – Redress team | 5,905,661 |
| Operational costs (advertising, post, ICT, training, actuarial) | 464,396 |
| Total Scheme Administrative expenditure (C) | 8,509,758 |
| Counselling Service & Pre-Scheme SAR's | |
| Counselling services | 1,403,726 |
| Pre-Scheme SAR's | 984,273 |
| Total Counselling Service & Pre-Scheme SAR's (D) | 2,387,999 |
| Total cost of Redress Scheme (A+B+C+D) | 144,178,203 |

Table 15 – Redress expenditure

3.2 As at 31 December 2023 the total projected (estimated) cost of settlement for all applications received into the scheme by the closing date is expected to be in the range of £153m to £175m (actual payments and costs already paid plus estimated payments, costs, and administrative costs in respect of those applications already received but not yet concluded). This is based on an actuarial view and is dependent upon the final assessment of the outstanding cases.

- 3.3 There remain some uncertainties in forecasting the final overall cost due to the relatively novel nature of the Scheme and the lack of comparable benchmarks given the Scheme is the only established example within the UK of this type. These uncertainties will however reduce as more of the remaining applications are concluded.
- 3.4 Based upon earlier actuarial assumptions the council secured capitalisation directions from the Government to borrow up to £125 million to fund the Scheme. Given the revised financial forecast resulting from the higher than anticipated volume of applications received in the final month of the Scheme the council has written to the Department for Levelling Up, Housing and Communities to request an increase in the capitalisation directive both in terms of value and time period to cover the expected increased costs and processing timescales.